CHAPTER XI

Crime and Punishment

671 Like the other ethnic groups of the Caucasus, the Georgian mountaineers prosecuted, first of all in every crime, the material damage which had caused injury to their property. There was no discrimination made between voluntary and involuntary offenses, and an unsuccessful attempt to commit a crime went unpunished. No man among the Pshavs,[1] culpable in a murder committed either purposely or involuntarily, could be safe from blood-vengeance by the relatives of the man he killed. The Khevsurs, Tushes and Svans held the same views. More than that, the Svans customarily regard a person as guilty of a crime if the damage was done, even without his knowledge, by an object owned by him. This custom explains the existence of another—that of the victim's kinsmen taking from the murderer the weapon with which he committed the crime. This custom may explain the manner in which Prince Puta Dadiani was killed in Svanetia by the inhabitants; they took a gun belonging to the church and killed the Prince from the church window. This was done because they believed that the kinsmen of the murdered prince would have to deal, in avenging the crime, with the church, which was the proprietor of the gun. The gun and its proprietor, the church, in the opinion of the people, were responsible for the crime. This belief was found only in Free Svanetia, and did not exist in Princely Svanetia.

682 In Free Svanetia, involuntary murder or wounding, as a general rule, always has as a consequence the payment of the *wergild* (*tsor*). However, the same offense was not prosecuted in Princely Svanetia. Attempts to commit a crime were always left unprosecuted in Svanetia.[2]

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[1] Zisserman: 249.
[2] Kovalevsky: a, II, 32.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

to his father-in-law; that he must be divorced from his wife; and that he himself should be stoned. The man was stoned, not in person, but by calling his name at the cross-roads, where every passerby cursed the wrongdoer and left a stone, as though he had thrown it at the criminal." Concerning boycott, if we take into consideration the structure of the social organizations among the people and the limited individual rights of every member, it is not difficult to understand that exclusion from society was a very severe penalty, leaving a man without any protection or help.

Although the consequence of murder was blood-feud, man-slaughter committed within the group by one of its members did not have blood-feud as a result, as in cases of parricide and fratricide. Among the Svans the penalty for parricide was social ostracism. No one spoke to the culprit; he lived in his own social group, neglected and mistrusted by everyone. Besides this, he was obliged to wear a necklace of stones about his neck, called *ska,* in full view, which he had no right to take off. However, any murder committed by a person of another community was prosecuted with blood-feud.

1. Blood-Feud

The principal factor in the criminal law of the Georgian mountaineers was the blood vengeance. Its origin and very existence were dependent upon the organization of the social life and beliefs of the people.

It was regarded as accomplished and brought to the logical end when the murderer or one of his kinsmen was killed, when the law of "blood for blood," or to use the Georgian expression, *katsi-katsi* (meaning "man for man"), was fulfilled.

In the execution of all proceedings of blood-feuds, there was a marked group solidarity; every member of the group taking an active part in the prosecution was also responsible with his own life for his kinsman.

Women, children, and very old men were exempt from the blood-feud.[7]

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[7] Gurko-Kriajin: 275

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628 Besides the killing of the murderer or his kinsman, there was
682 another way out of the situation; that was the payment of the fixed amount of the indemnity (the *wergild*).

Besides manslaughter—which was one of the main motives for blood-feud—adultery, abduction of married women, and cattle-stealing (among the Tushes) led to the same consequence.

The details in the technique of the blood-vengeance, as well as the amount of the *wergild*, were not exactly the same among the different groups of Georgian mountaineers. There were local variations and differences in details. But the principal foundation of the institution was the same with all: the shed blood claimed the blood of the murderer; it was "crying" for vengeance; blood should be washed by blood, man for man, *katsi-katsi*.

The prosecution and punishment of murder during the blood-feud is so important that the kin of the slain man will risk their own lives in order to fulfill the (law) justice of feud—to avenge the blood—to kill the culprit. There was the following occurrence in Svanetia: a Svan was sentenced for murder and sent to prison in Siberia, where he was forced to perform penal work. The kin of the slain man followed him to Siberia in order to accomplish their duty—to avenge the death of his kin, by killing the offender.

When a man was killed by a Khevsur,[8] his relatives and members of his family at once destroyed and burned down the property of the murderer. By this time the murderer and his near relatives were usually in flight, seeking refuge in some distant community, where they received shelter and protection, and were called in the Georgian *khizani* or *amanathi*, meaning "refugees."

The murderer stayed in exile as *khizani* for three years, and during this time he was obliged to send to the family of his victim one sheep every month. Only at the end of the fourth year he sent to them negotiators, asking them to accept the payment for blood—the *wergild*. If his offer was accepted, he was obliged to pay to the family of the murdered man two hundred and eighty sheep, or the equivalent—seventy cows—and then only he had the

[8] Kovalevsky: a, II, 39.
[9] Eristov: 130.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

right to return to his village, where he had to pay in addition, to the maternal uncle of the slain man, the fixed fine of two hundred and twenty sheep. According to Zisserman,[10] the murderer had to pay a *wergild* of sixty cows and fifteen rams. In a case when after the payment of the *wergild* the murderer was killed, the fine for his life was not the full amount of the blood-money, but consisted only of one hundred and twenty sheep, and was called *saukan-momkudaro,* meaning, "for the return death."

In Khevsuria the maternal uncle had the leading role in the execution of all proceedings of blood-vengeance,[11] and the maternal uncle, in time past, received in payment an indemnity equal in amount to the sum given by the murderer to the whole community of the victim.

The Pshavs differ from the Khevsurs in that they do not burn the property of the murderer. The community of the murderer, in Pshavia, was obliged to send to the community of the murdered man an indemnity consisting of three oxen, three sheep and a sabre, called *saupatio,* meaning "for dishonor." Besides this, the relatives of the victim had the right to demand the arms of their choice found in the possession of the members of the family of the culprit; this custom was known as *almania.*

The murderer and his relatives avoided meeting the relatives of the victim. If it did happen that the murderer or any of his relatives met with their enemies—for example, at a time when leading their flocks—they abandoned their flocks and fled. The relatives of the murdered man had the right to take one quarter of the number of the flock.

The lives of the murderer and his relatives were, then, only out of danger when the *wergild* was paid.

2. Wergild

The payment of indemnity for a murder—the so-called blood-money—formed among the Georgian Highlanders the basis for the measurement and determination of the amount payable for

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[10] Zisserman: 225.
[11] Kovalevsky:

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

all kinds of crimes committed. The amount of blood-money required from the offender differed according to sex, age, social status, physical condition, and religion of the slain person. In the payment of the *wergild* the culprit was assisted by his relatives, who were also co-jurors when an oath was taken.

The amount of the *wergild* for the life of a man was higher that that for a woman. Among the Tushes, the murderer of a woman was required to pay an indemnity of thirty cows, which was exactly half the blood-money required for a man's life.[12]

Children and old people were exempt from blood vengeance.

In communities where the social life shows stratification, the *wergild* differed according to the social standing of the offender. In Free Svanetia[13] the *wergild* for the murder of a nobleman was equal to the amount of two bloods.

The same situation prevailed in the whole Georgian Kingdom in times past. "Murder was called blood," Prince Vakhusht writes.[14] "When a man had killed someone equal to himself socially, he was obliged to pay for the blood with silver or cattle, according to the social status of the victim, and the King might arrest, punish, and even kill him. If a man of high social standing killed a man of a lower class, he was obliged to pay for the blood; but if a man of a lower class killed a man of a higher class, he had to pay for the blood and was also deprived of his property for a few years."

The *wergild* for a pregnant woman was higher than that for a woman in normal physical condition.

There was also religious discrimination in the payment of the fine for the blood. The *wergild* for the murder of a Christian was higher than that for a Mohammedan. Among the Tushes, the blood-money for killing a Christian consisted of sixty cows, and for a Mohammedan only half that number.

The payments were made, not with money, but with various goods available in the community: cows, horses, sheep, copper pots, arms, etc. This is not difficult to comprehend if we take into

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[12] Khakhanov: a, 53.
[13] Besnoville: 106.
[14] Vakhusht: 6.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

consideration the natural economy of the social life in the communities and the prevailing system of exchange—barter. Among all things used for this purpose, as in currency, there was one which was accepted as the standard of value, with a scale of its valuation in other more common and cheaper things. This standard of value was not the same with the different groups of Georgian Highlanders, nor with the various peoples of the Caucasus; it represented the most valuable object of the people in question, so that with the Circassians it consisted of arms, which were the most cherished and richly ornamented family heirlooms, but payment was made usually with horses or slaves. For the Ossetes the standard of value was the cow; for the Svans it was a certain portion of arable land, called *ts'khadish;* this standard was used because of the scarcity of land suitable for cultivation in their country. Among the Khevsurs, Pshavs and Tushes, the standard of value consisted of cows, and in former times, according to Prince Vakhusht,[15] in the whole Kingdom of Georgia the "blood was paid with silver or cattle."

Among the Khevsurs there were two different ways of paying the *wergild.* The full amount could be paid either with cows, or paid half with cows and half with money. In the latter case this manner of payment was called *khelit.* The value of an indemnity was fixed at a number of cows, but payment could be made with sheep, arms, horses, copper vessels, etc., with a fixed valuation of each object. "As the payment is not always made with money," writes R. D. Eristov[16] concerning the Khevsurs, "but with cattle, arms, agricultural products and household utensils, everything mentioned, therefore, has one fixed standard of value: a stallion would be equal to seven cows; a mare to four cows; an ox to seven sheep; a cow, four sheep or five rubles; a sheep, one ruble and twenty kopeks; a goat, eighty kopeks; a kid, forty kopeks; arable land yielding one *dseri,* representing the amount of sixty sheaves and giving not less than one *koda* of wheat, is equal to five cows." The valuation of the *wergild* and the technique of its payment as practiced among the Khevsurs in the

[15] Vakhusht: 6.
[16] Eristov: 133.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

436 682 time past are also described by Zisserman.[17] The penalty affixed by the judges, according to his information, consisted always in the exaction from the culprit of a certain sum, depending upon the crime committed. Owing to the almost total absence of money, the fine is paid with cattle, which has once and forever a fixed price, as follows: a mare is equal to twenty rubles; a cow, five rubles; a ham, two rubles; a sheep, one ruble and forty kopeks. Every object has its valuation not in money but in domestic animals; for example, a gun costs twenty cows or one hundred rubles; a horse costs ten cows; two rams and one sheep, fifty-five rubles and forty kopeks. Again, if the indemnity for a stolen object is to be paid with cows, the accused has a right to pay—instead of cows or rams—arms, copper vessels, hides, or corn. Every one of the above-mentioned objects has its valuation. For example, suppose a man is requested to pay twenty-five cows. He may pay this by giving a mare, valued at four cows; a mule, valued at eight cows; a quantity of copper (37½ stils),[18] valued at three cows; a sabre, valued at seven cows; and three real cows, the sum of all making exactly twenty-five cows.

Among the Tushes,[19] the value of a horse was equal to eight cows or four rubles; a stallion, seven cows; a cow, four sheep; an ox, seven sheep; a gun, twenty cows or one hundred rubles; a cow, five rubles; a sheep, from one ruble and thirty kopeks to two rubles; a goat, eighty kopeks; a *koda* of wheat, five cows.

The blood-money among the Tushes varied in amount to the time and locality, consisting of eighty cows,[20] of sixty cows,[21] and of one hundred and twenty cows.[22]

Among the Pshavs the indemnity for blood was three hundred and sixty sheep, one hundred and eighty sheep being payable to the community of the victim for the so-called "family blood" (*siskhli sagvareulo*), while the other one hundred and eighty sheep

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[17] Zisserman: 224-5.
[18] A measurement equal to one pound.
[19] Khakhanov: 53.
[20] Khakhanov:
[21] Kovalevsky:
[22] Zisserman:

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

were paid to the relatives of the dead person, and was called "for the head of the killed" (*thavi patronisa*).

The *wergild*, among the Svans, is called *tsor*. In Princely Svanetia, the *tsor* for the murder of a man was not the same in the different communities. For example, in the community of Etseri, the *wergild* consisted in the payment by the murderer and his kinsmen to the kinsmen of the man killed thirteen *ts'khvadish*[23] of land, which is the equivalent of six and one-half Georgian *ktsevs*,[24] which in turn is the equivalent of two and one-half Russian *desiatins*.[25] Besides this, the kinsmen of the murderer were obliged to give presents to the members of the family of the deceased. These gifts consisted of domestic animals; each member received a certain kind of animal, one received an ox, another a horse, a third a sheep, etc. In the community of Becho, the *wergild* for the same crime was half that in the community previously mentioned. In Becho the indemnity was also paid with portions of land, called *naljons;* twelve *naljons* were paid for blood. If we take into consideration the fact that a *naljon* is only half a *ts'khvadish*, we shall find that the *wergild* paid for murder in both these communities was the same. If there was a difference, it was not very great. In the community of Mestia the *wergild* consisted of twelve *naljons* plus gifts of cattle, payable to the kinsmen of the person murdered. In the community of Ipari,[26] the *tsor* for murder was the approximate equivalent of one thousand Russian rubles, including in that sum all obligatory payments and gifts.

It is necessary to note, in addition to the above-stated conditions in Svanetia, that besides indemnifying to the kinsmen of the murdered man, it was obligatory also to give the weapon with which he was murdered.

In Svanetia, with the payment of every *tsor*, the murderer was always obliged to provide a specially arranged feast for the relatives of the slain man, which also involved great expense. It

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[23] Svan measure of land.
[24] Measure of land among the Georgians proper.
[25] Russian measure of land, equal to 2.70 acres.
[26] Kovalevsky: a, II, 36.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

682 should be mentioned that the kinsmen of the culprit came to his assistance and helped him to meet the expenses of this payment of the *tsor*.

The *tsor* paid for the murder of a nobleman was twice that demanded for a peasant. "Le prix du sang," writes Bernoville[27] concerning this matter, "pour le meurtre d'un asnaour[28] était double de celui d'un paysan. . . ."

Concerning the indemnities paid for various injuries and mutilations, the amount of the *wergild* depended upon the kind of wound, location on the body, its size, depth and the possible danger to the well-being of the person injured. Also, there was taken into consideration the weapon itself, and the manner of wounding.

Among the Khevsurs, the damage received through blows and injuries inflicted with arms is measured according to the size of the wound and the weapon used. The indemnity imposed is from five to twenty-five cows. Among the Tushes, the indemnity for a simple blow with a dagger is five cows, but if the wound is inflicted with the edge of a sword or dagger, it is fifteen cows. In former times, for beating a woman the payment of eleven cows was imposed. Upon inflicting a wound, the offender is obliged to send one sheep called *saupatio* (meaning in English, "for dishonor") to the wounded and pay the surgeon for all expenses of treatment and cure of the wound. If such expenses are paid by the wounded person himself, the offender must reimburse him in full, according to custom.

In case of mutilation, the *wergild* paid by Khevsurs and Tushes differs according to the place of injury on the body. For the mutilation of an eye, among the Khevsurs are paid thirty cows; among the Tushes, sixteen cows. For the mutilation of one leg, the Khevsurs demand twenty-four cows, and the Tushes, sixteen. For cutting off an arm, the fine is twenty-four cows among the Tushes; the Khevsurs make a distinction in this case, which is not done by the Pshavs and Tushes, between the right and left

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[27] Bernoville: 106.
[28] Asnaour—nobleman.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

hands, so that for the loss of a right hand twenty-five cows are required, and twenty-two for the left.

For any sort of serious mutilation the Pshavs levy an indemnity of sixteen cows. Among the Tushes, according to Zisserman,[29] the payment consisted of half the blood price, or sixty cows. For the mutilation of a person's fingers, the payment varies according to the finger injured; thus, for the thumb the fine is five cows; for the index finger, four cows; the middle finger, three cows; the ring finger, two cows; the little finger, one cow. For knocking out a tooth, the indemnity is one cow. Wounds on the face are measured with a small stick or piece of cord, which in turn is measured with seeds of grain. The Pshavs use grains of wheat in such a manner that after one grain is placed lengthwise, the second is put crosswise, the third lengthwise, the fourth crosswise, and so on; the indemnity is fixed according to the number of grains used, and cows are demanded in the same number. The Khevsurs use two kinds of grain, wheat and barley, placing them alternately. The number of grains used indicates the amount of the cows to be paid. The Tushes perform the same procedure with grains of barley, and from the whole number of grains they deduct two, the remaining number indicating the number of cows to be given as indemnity.

Many Khevsurs use the rules in the payment of the *wergild* as a means of livelihood. They purposely start a quarrel, and in fighting expose themselves to the blows of the enemy, in order to receive the wounds in the most "expensive" parts of the body. For example, Dr. Radde[30] relates that he met an attendant of a sanctuary in Khevsuria who had a wound about the size of a hen's egg on the left side of his head. On inquiry by Dr. Radde concerning the wound, he laughingly answered that it was almost fatal for him, but that he had at any rate made a good business of it and received sixteen cows as indemnity.

Among the Svans,[31] castration was regarded as the most serious mutilation, the indemnity for which consisted, in some communities, of the full amount of the *tsor*. In other com-

[29] Zisserman: 250.
[30] Radde: c, 259.
[31] Kovalevsky: a, II, 36-7.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

682 munities the indemnity for the same crime was half a *tsor*. For cutting off a nose, or putting out an eye, the indemnity was equal to one-third the *tsor*. Approximately the same amount was paid for the severing of a hand or foot.

Concerning the indemnity required for different wounds, the wound made by gunfire was regarded as the most grievous. A wound made by the blow of a sabre or dagger was considered as slight. For wounds made on parts of the skull or face, the indemnity was equal to half the *tsor*. Expenses for medical treatment were always paid by the culprit. Indemnities for different kinds of beatings did not amount to much, and consisted usually of one or two *ts'khvandish*, the equivalent of six or twelve Russian rubles, respectively.

3. Theft

685 Theft had a peculiar ethical meaning and interpretation in the eyes of the people. Theft as such, taken generally as an abstract concept, did not exist and was not understood.

The interpretation and meaning of a theft differs according to the place, person and manner involved in committing it; it did not have blood vengeance as a result, but material restitution.

In some instances theft was regarded as a delict and consequently punished. In other cases it was a deed of bravery and courage—a matter of public admiration and esteem. Stealing from a fellow-member of one's own social group was viewed as a grave offense and was severely punished. The usual penalty for the crime consisted in the payment of sevenfold the stolen property, among the Pshavs and Khevsurs.[32] "The thief must repay in kind; thus, if he has stolen a ram, he must give seven rams, among the Tushes."[33] For repeated thefts it was even permissible to kill the thief, without being responsible for his murder, although this happened very seldom.[34]

Among the Svans,[35] theft had no other penalty than the return of the stolen property, although there was an exception made in

[32] Eristov: 132.
[33] Khakhanov: 53.
[34] Zisserman: 250.
[35] Kovalevsky: a, II, 38.